

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

In re:	§	
	§	
McClain Feed Yard, Inc.	§	Case No. 23-20084-7-rlj
<i>Debtor.</i>	§	Chapter 7 Case
	§	
and	§	
	§	
McClain Farms, Inc.	§	Case No. 23-20085-7-rlj
<i>Debtor.</i>	§	Chapter 7 Case
	§	
and	§	
	§	
7M Cattle Feeders, Inc.	§	Case No. 23-20086-7-rlj
<i>Debtor.</i>	§	Chapter 7 Case

HTLF BANK’S OBJECTIONS AND RESPONSES TO REQUESTED DOCUMENTS

1. All bank statements referring to, related to or evidencing the 2B Accounts during the Relevant Documents Time Period.

RESPONSE: See Previously produced documents HTLF 000001-406 and HTLF 000567-1576.

2. All records and documents during the Relevant Documents Time Period evidencing all financial transaction activities or transfers of funds, including checks, wire transfer records or other documents, evidencing or documenting the transfer of money or property between the 2B Accounts and the McClain Accounts.

OBJECTIONS: HTLF objects to this Request to the extent it seeks the production of documents which are exempted from discovery pursuant to the attorney work product doctrine or the attorney-client privilege.

RESPONSE: Subject to the foregoing objections, see previously produced documents HTLF 000001-1576.

3. All records and documents during the Relevant Documents Time Period evidencing the transfer of funds from the McClain Accounts to the 2B Accounts.

RESPONSE: See previously produced documents HTLF 000001-1576.

4. All records and documents during the Relevant Documents Time Period evidencing the transfer of funds from the 2B Accounts to the McClain Accounts.

RESPONSE: See previously produced documents HTLF 000001-1576.

5. All records and documents during the Relevant Documents Time Period for the 2B Accounts evidencing or describing dishonored checks, NSF records, return records, credit entries or debit entrees.

RESPONSE: See previously produced documents HTLF 000478-482 and HTLF 002876-3196 produced with these responses.

6. All communications between HTLF and 2B during the Relevant Communications Time Period referring or relating to the McClain Parties or the McClain Accounts.

RESPONSE: See HTLF 001616-2875 and HTLF 003344-003683 produced with these responses.

7. All communications between HTLF and any third parties during the Relevant Communications Time Period referring or relating to the McClain Parties or the McClain Accounts.

OBJECTIONS: HTLF objects to this Request to the extent it seeks production of attorney-client communications or attorney work product. HTLF objects to the request as to “any third parties,” as such is vague and ambiguous, and fails to identify the identity, classes or types of “third parties” being referenced.

RESPONSE: Subject to the stated objections, none.

8. All communications during the Relevant Communications time Period between HTLF and any of the McClain Parties.

RESPONSE: None.

9. All HTLF internal communications during the Relevant Communications Time Period referring or relating to the McClain Parties or the McClain Accounts.

OBJECTIONS: HTLF objects to the production of any attorney-client communications or attorney work product.

RESPONSE: Subject to the foregoing objections, see HTLF 001616-002875; 003197-004604 produced with these responses.

10. HTLF internal credit memorandums, credit decisions, meeting minutes, or other internal documents generated or created during the Relevant Documents Time Period referring or relating to the McClain Parties or the McClain Accounts.

OBJECTIONS: HTLF objects to the production of any attorney-client privileged communications or any work product.

RESPONSE: Subject to the foregoing objections, see previously produced documents HTLF 001577-1615.

11. All communications, documents or other records created or generated during the Relevant Documents Time Period referring to, relating to or concerning the receipt or possession by either HTLF or 2B of any pre-signed checks from the McClain Parties or drawn on any of the McClain Accounts.

OBJECTIONS: HTLF objects to the production of any work product or attorney-client communications.

RESPONSE: Subject to the foregoing objections, see HTLF 0003197-3343 produced with these responses.

12. All communications during the Relevant Communications Time Period between HTLF and Mechanics Bank referring to, relating to or concerning the McClain Parties or the McClain Accounts.

RESPONSE: See HTLF 003684 produced with these responses

13. All communications during the Relevant Communications Time Period between HTLF and Community Financial Services Bank or CFSB, referring to, relating to or concerning the McClain Parties or the McClain Accounts.

RESPONSE: None

14. All documents or other records created or generated during the Relevant Documents Time Period concerning any changes or additions by 2B to any pre-signed checks drawn on any of the McClain Accounts.

OJBECTIONS: HTLF objects to the production of any work product or attorney-client communications.

RESPONSE: Subject to the foregoing objections, see HTLF 003197-3343 produced with these responses.

15. All documents, communications or other records created or generated from or after January 1, 2023 referring or relating to business transactions between 2B and the McClain Parties, including but not limited to all documents, communications or other records concerning Cattle sales.

OBJECTIONS: HTLF objects to the production of any work product or attorney-client communications.

RESPONSE: Subject to the foregoing objections, see HTLF 003685-004604, produced with these responses.

16. All manuals and procedures of HTLF in effect from and after January 1, 2020 concerning the deposit, clearance, credit availability, handling and/or transfer of funds into or out of any customer accounts during the Relevant Documents Time Period.

OBJECTION: HTLF objects to the production of any responsive HTLF documents which were generated, created or produced after the merger of HTLF and First Bank & Trust as being irrelevant. HTLF further objects to the production of any responsive HTLF documents which existed prior to the merger, and which were therefore not applicable to FirstBank & Trust prior to April 2023, as being irrelevant.

RESPONSE: Subject to the foregoing objection, HTLF will produce the responsive documents of First Bank & Trust which were in effect through April of 2023. See HTLF 004605-004698 produced with these responses.

17. All manuals and procedures of HTLF in effect from and after January 1, 2020 concerning the ability of HTLF or its agents or representatives to sign or endorse checks for its customers, or to initiate wire transfers on behalf of its customers.

OBJECTIONS: HTLF objects to the production of any responsive HTLF documents which were generated, created or produced after the merger of HTLF and First Bank & Trust as being irrelevant. HTLF further objects to the production of any responsive HTLF documents which existed prior to the merger, and which were therefore not applicable to FirstBank & Trust prior to April 2023, as being irrelevant.

RESPONSE: Subject to the foregoing objection, HTLF will produce the responsive documents of First Bank & Trust which were in effect through April of 2023. See HTLF 004605-004698 produced with these responses.

18. An organizational chart or other record of HTLF identifying or describing all HTLF agents or representatives who worked on matters for 2B.

RESPONSE: No such document exists.

DATED this 1st day of May, 2024.

Respectfully submitted,

LOVELL ISERN & FARABOUGH, LLP
John H. Lovell, State Bar No. 123609300

john@lovell-law.net

Matthew S. Merriott, SBN 24100846

matthew@lovell-law.net

112 SW 8th Avenue, Suite 1000

Amarillo, Texas 79101-2314

Phone: (806) 373-1515

Fax: (806) 379-7176

By: /s/ Matthew S. Merriott

Matthew S. Merriott

Attorneys for HTLF Bank

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was delivered, as certified below, this 1st day of May, 2024, to:

David L. LeBas

Via ecf service: dlebas@namanhowell.com

NAMAN HOWELL SMITH & LEE, PLLC
8310 N. Capital of Texas Hwy, Ste. 490
Austin, TX 78731

*Attorney for AgTexas Farm Credit Services, AgTexas, PCA,
and Thorlakson Diamond T Feeders, LP*

Timothy T. Pridmore

Via ecf service: tpridmore@mcjllp.com

Todd Johnston

Via ecf service: tjohnston@mcjllp.com

McWHORTER COBB & JOHNSON, L.L.P.
1722 Broadway
Lubbock, TX 79408

Attorneys for 2B Farms and Terry & Rebecca Robinson

Michael Johnson

Via ecf service: mjohnson@rqn.com

RAY QUINNEY & NEBEKER, P.C.
36 South State St., Ste. 1400
Salt Lake City, UT 84111
and

Thomas C. Riney

Via ecf service: Tom.Riney@uwlaw.com

W. Heath Hendricks

Via ecf service: Heath.Hendricks@uwlaw.com

UNDERWOOD LAW FIRM, P.C.

P.O. Box 9158

Amarillo, TX 79105-9158

Attorneys for Rabo AgriFinance, LLC

Richard A. Illmer

Via ecf service: Rick.Illmer@huschblackwell.com

HUSCH BLACKWELL LLP
1900 N. Pearl St., Ste. 1800
Dallas, TX 75201

and

Lynn Hamilton Butler
HUSCH BLACKWELL LLP
111 Congress Ave., Ste. 1400
Austin, TX 78701

Attorneys for Mechanics Bank

Via ecf service: Lynn.Butler@huschblackwell.com

John F. Massouh
SPOUSE SHRADER SMITH
P.O. Box 15008
Amarillo, TX 79105-5008

Attorney for Intervenor in State Court Action

Via ecf service: john.massouh@sprouselaw.com

By: /s/ Matthew S. Merriott
Matthew S. Merriott